

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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**IN RE: INVOKANA (CANAGLIFLOZIN)  
PRODUCTS LIABILITY LITIGATION**

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: **MDL NO. 2750**  
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: **JUDGE BRIAN R. MARTINOTTI**  
: **JUDGE LOIS H. GOODMAN**  
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**THIS DOCUMENT RELATES TO: ALL CASES**

**CASE MANAGEMENT ORDER #1**

These matters, having been transferred to this Court by order of the Judicial Panel on Multidistrict Litigation pursuant to its order of December 7, 2016, merit special attention as complex litigation, the Court having entered an Initial Case Management Order [ECF No. 8] on December 21, 2016 setting forth the Court's parameters and expectations of counsel during the course of this litigation and having scheduled this initial case management conference, the Court having held the initial case management conference on January 12, 2017 with the Honorable Lois H. Goodman, U.S.M.J. also presiding, for good cause shown and for the reasons set forth on the record, the Court enters the following Order:

**I. STATUS OF LITIGATION**

- A. There are currently hundreds of potential cases comprising this multidistrict litigation, as well as cases venued throughout the country.
- B. Counsel shall advise the Court of Judge Goldberg's decision on the pending motion to remand in Pennsylvania. Following a decision, if necessary, the Court will contact Judge Goldberg regarding coordination.

## **II. ORDERS ENTERED SINCE THE INITIAL CASE MANAGEMENT ORDER**

- A. Discovery Confidentiality Order [ECF No. 5]
- B. Order Regarding Electronically Stored Information [ECF No. 6]

## **III. CASE MANAGEMENT**

- A. Liaison Counsel/Steering Committees (see Initial Case Management Order, [ECF No. 8] at ¶ 8)
  - 1. Plaintiff – Counsel shall meet and confer and submit to the Court a proposed Steering Committee by January 20, 2017.
  - 2. Defendants – By consent, Michael Zogby, Esq. is hereby designated as Liaison counsel, and John Lewis, Esq. and Mollie Benedict, Esq. are hereby designated as lead counsel.
- B. Court Appointment – It is the Court’s intention to appoint a mediator/special master early in the process in order to initiate concurrent mediation and discovery. Counsel shall meet and confer regarding the appointment and shall report as to the status of same at the next case management conference.
- C. Science day – Counsel shall meet and confer to schedule a date for a Science Day and the parameters concerning the presentations. [It is the Court’s intention to invite state court judges presiding over Invokana cases to this Science Day.]
- D. Counsel shall continue to meet and confer to prepare a master complaint, short form complaint, master answer, short form answer, plaintiffs’ fact sheet, defendants’ fact sheet, preservation order, discovery plan, and pre-trial schedule.

- E. The Court shall review the case list and advise the Clerk's Office of any direct filings not associated with the MDL which thereafter shall be docketed with the MDL.
- F. Counsel shall meet and confer regarding the direct filing of MDL cases in this District and submit a proposed order.
- G. Any counsel filing an appearance in this MDL shall forward his or her contact information to liaison counsel.

#### **IV. DISCOVERY**

Judge Goodman shall preside over all discovery matters. Pursuant to Local Civil Rule 5.3, all motions to seal shall be filed as omnibus motions.

#### **V. GENERAL/SCHEDULING**

- A. The next case management conference is scheduled for February 23, 2017 at 11:00 a.m. Interim liaison counsel shall appear at 10:00 a.m. The Court will email to counsel a list of proposed case management conference dates through December 31, 2017.
- B. Counsel is required to submit via email a joint agenda five (5) days prior to the next scheduled conference, which shall include an up to date list of Invokana cases pending in this Court. If there are any disagreements as to the agenda, counsel shall set forth each party's position.
- C. Counsel may contact *ex parte*, for the purpose of settlement discussions only, Judge Martinotti via email at [brian\\_martinotti@njd.uscourts.gov](mailto:brian_martinotti@njd.uscourts.gov) or Judge Goodman via [lhg\\_orders@njd.uscourts.gov](mailto:lhg_orders@njd.uscourts.gov).

D. Counsel is required to abide by Judge Martinotti's and Judge Goodman's submission and communication procedures, respectively, unless and until the Court so orders superseding rules for this litigation.

/s/*Brian R. Martinotti*  
**BRIAN R. MARTINOTTI**  
**UNITED STATES DISTRICT JUDGE**